

United States District Court **FILED**

NORTHERN DISTRICT OF CALIFORNIA

JUN 17 2008

UNITED STATES OF AMERICA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Venue: San Francisco

V.

CRIMINAL COMPLAINT

REYNALDO FUENTES-GONZALEZ

CASE NUMBER: 3:08-70365 BZ

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about June 9, 2008 in Sonoma County, in the Northern District of California defendant(s) did,

OFFENSE: REYNALDO FUENTES-GONZALEZ, an alien, after having been removed, excluded, and deported from the United States, was thereafter found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States, in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT

PENALTIES: Imprisonment for not more than 20 years, a fine of not more than \$250,000.00, a \$100.00 dollar special assessment, and 3 years supervised release.


APPROVED AS TO FORM:


ALLISON DANNER, ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested: ☐ Yes ☒ No

Bail Amount: **NO BAIL**

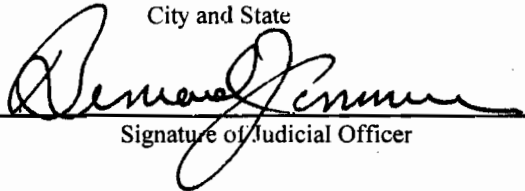

Signature of Complainant

Sworn to before me and subscribed in my presence,

17 June 08 at San Francisco, California
Date City and State

Honorable Bernard Zimmerman
United States Magistrate Judge

Name & Title of Judicial Officer


Signature of Judicial Officer

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I, Cesar J. Lopez, Deportation Officer, U.S. Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against REYNALDO FUENTES-GONZALEZ for violating 8 U.S.C. § 1326. The facts set forth in this Affidavit are based on my review of FUENTES-GONZALEZ's official Immigration file (No. A76 857 773), my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all facts related to FUENTES-GONZALEZ that I know.

II. AGENT'S BACKGROUND AND EXPERTISE

2. I have been a Deportation officer with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately 14 years. I am currently assigned to ICE's San Francisco, California office, and I am responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally.

III. APPLICABLE LAW

3. The elements of the offense, illegal entry into the United States after deportation, in violation 8 U.S.C. § 1326 are the following:

- a. Defendant was deported from the United States;
 - b. After deportation, defendant voluntarily entered the United States;
 - c. When defendant entered the United States, he knew he was entering the United States and, thereafter, knowingly remained in the United States;
 - d. Defendant was found in the United States without having obtained the consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States; and
- Defendant was an alien at the time he entered and was found in the United States.

IV. FACTS ESTABLISHING PROBABLE CAUSE

4. REYNALDO FUENTES-GONZALEZ is a 38 year-old male who is a native and citizen of Mexico. FUENTES-GONZALEZ was deported from the United States to Mexico on

February 23, 2005, April 28, 2005, May 6, 2005, and May 30, 2007. FUENTES-GONZALEZ last entered the United States illegally on August 8, 2007 by voluntarily crossing into California through the international border with Mexico by foot. FUENTES-GONZALEZ knowingly remained in the United States without first having obtained the consent to reapply for admission from the Attorney General of the United States or the United States Secretary of Homeland Security.

5. The official Immigration file for FUENTES-GONZALEZ contains four executed Warrants of Removal. The Warrants of Removal are dated February 23, 2005, April 28, 2005, May 6, 2005 and May 30, 2007 the day that FUENTES-GONZALEZ was deported from the United States to Mexico.

6. On or about June 9, 2008, an ICE agent encountered FUENTES-GONZALEZ pursuant to his release from the Sonoma County Jail in Santa Rosa, California on unrelated charges. FUENTES-GONZALEZ stated that his name was Reynaldo Fuentes-Gonzalez. Subsequently, the agent lodged an ICE detainer against him.

7. On June 9, 2008, Immigration Enforcement Agent Michael Shan interviewed FUENTES-GONZALEZ at the ICE office in San Francisco, California. After FUENTES-GONZALEZ was advised of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, he admitted that his true name was REYNALDO FUENTES-GONZALEZ. FUENTES-GONZALEZ admitted that he was a citizen and national of Mexico and that he had been previously deported from the United States. He also admitted that he illegally reentered the United States on August 8, 2007.

8. On June 16, 2008, a full set of rolled fingerprints belonging to FUENTES-GONZALEZ was submitted the Automated Fingerprint Identification Center ("AFIS"), for verification of the identity. The fingerprint examiner positively identified the fingerprint as belonging to FUENTES-GONZALEZ who had previously been removed from the United States as referenced in paragraphs 4 and 5.

9. There is no indication in ICE's official files that FUENTES-GONZALEZ has applied for or been granted the requisite permission to reenter the United States from either the Attorney General of the United States or the Secretary of Homeland Security.

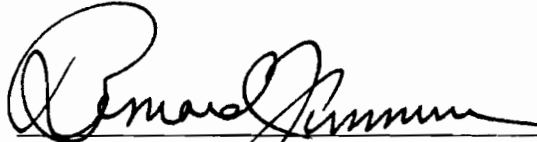
V. CONCLUSION

10. On the basis of the above information, I submit that probable cause exists to believe that REYNALDO FUENTES-GONZALEZ illegally reentered the United States following deportation, in violation of 8 U.S.C. § 1326.



Cesar J. Lopez
Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
San Francisco, California

Subscribed and sworn to before me this 17 day of June, 2008.



The Honorable Bernard Zimmerman
United States Magistrate Judge
Northern District of California
San Francisco, California

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**Title 8 U.S.C., Section 1326 - Illegal Reentry by
an Alien After Deportation (Class C Felony)

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY:

Maximum Prison Term of 20 Years;
 Maximum Fine \$250,000;
 Maximum Term of Supervised Release of 3 Years;
 Mandatory Special Assessment of \$100.

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Department of Homeland Security/Immigration Customs Enforcement

☐ person is awaiting trial in another Federal or State
Court, give name of court☐ this person/proceeding is transferred from another
district per (circle one) FRCrP 20, 21 or 40. Show
District☐ this is a reprosecution of
charges previously dismissed
which were dismissed on
motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a
pending case involving this same
defendant☐ prior proceedings or appearance(s)
before U.S. Magistrate regarding
this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

Allison M. Danner

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA**DEFENDANT - U.S.**

REYNALDO FUENTES-GONZALEZ

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons
was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed? ☐ Yes ☐ NoIf "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS*☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons
or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____